

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 1207

3 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

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10 AN ACT

11 RELATING TO CRIMINAL LAW; CREATING THE CRIMINAL OFFENSE OF
12 VOYEURISM; PROVIDING PENALTIES.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. A new section of the Criminal Code is enacted
16 to read:

17 "[NEW MATERIAL] VOYEURISM PROHIBITED--PENALTIES.--

18 A. Voyeurism consists of intentionally using the
19 unaided eye to view or intentionally using an instrumentality
20 to view, photograph, videotape, film, webcast or record the
21 intimate areas of another person without the knowledge and
22 consent of that person:

23 (1) while the person is in the interior of a
24 bedroom, bathroom, changing room, fitting room, dressing room
25 or tanning booth or the interior of any other area in which the

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underscored material = new
[bracketed material] = delete

1 person has a reasonable expectation of privacy; or

2 (2) under circumstances where the person has a
3 reasonable expectation of privacy, whether in a public or
4 private place.

5 B. Whoever commits voyeurism of a person who is at
6 least eighteen years of age is guilty of a fourth degree
7 felony.

8 C. Whoever commits voyeurism of a child who is at
9 least nine but less than eighteen years of age is guilty of a
10 third degree felony.

11 D. Whoever commits voyeurism of a child who is less
12 than nine years of age is guilty of a second degree felony.

13 E. As used in this section:

14 (1) "intimate areas" means the primary genital
15 area, groin, buttocks, anus or breasts or the undergarments
16 that cover those areas; and

17 (2) "instrumentality" means a periscope,
18 telescope, binoculars, camcorder, computer, motion picture
19 camera, digital camera, telephone camera, photographic camera
20 or electronic device of any type."

21 Section 2. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2007.